

Filed for intro on 03/15/2001
HOUSE BILL 1973 By
Whitson

SENATE BILL 1936
By Haun

AN ACT to amend Chapter 297 of the Private Acts of 1947; as amended by Chapter 41 of the Private Acts of 1955 and Chapter 203 of the Private Acts of 1988; and any other acts amendatory thereto, relative to the Charter of the Town of Erwin.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 297 of the Private Acts of 1947, as amended by Chapter 41 of the Private Acts of 1955, Chapter 203 of the Private Acts of 1988, and any other acts amendatory thereto, is amended by deleting Article IV, Section 1 in its entirety and by substituting instead the following:

Section 1. Be it further enacted, that the governing body of the Town of Erwin shall be vested in a Mayor and City Council to be designated as the Board of Mayor and Aldermen, consisting of one (1) Mayor and five (5) Aldermen.

The term of office for said Mayor and Aldermen, following the special election procedures and dates set out herein, shall be for four (4) years. The present Mayor and Aldermen shall serve the remainder of their respective terms for which they were elected.

On June 26, 2001, such date being the fourth Tuesday of June and the date of the regular city election, the following shall be elected: a Mayor, whose term shall expire at midnight on November 30, 2004, and two (2) Aldermen, whose terms shall expire at midnight on November 30, 2004.

On June 25, 2002, such date being the fourth Tuesday of June and the date of the regular city election, three (3) Aldermen shall be elected, whose terms shall expire at midnight on November 30, 2006.

Beginning in November 2004, city elections shall be held on the first Tuesday following the first Monday in November of all even-numbered years. In November 2004, a Mayor and two (2) Aldermen shall be elected. Terms of office for the Mayor and Aldermen elected in November 2004, and any succeeding election, shall begin on December 1 following their respective election and shall expire at midnight on November 30, four (4) calendar years after their election.

In November 2006, on the first Tuesday following the first Monday in November, three (3) Aldermen shall be elected. Terms of office for the Aldermen elected in November 2006, and any succeeding election, shall begin on December 1 following their respective election and shall expire at midnight on November 30, four (4) calendar years after their election.

The Board of Mayor and Aldermen shall have power and authority to elect one (1) of its members to act as Vice-Mayor. The Vice-Mayor shall, in the absence of the Mayor, preside at meetings of the Board. In the absence of both the Mayor and Vice-Mayor at any regular meeting, the Board may elect one (1) of its members to act as Mayor pro tem at such meeting.

Upon nomination by the Mayor, the Board of Mayor and Aldermen shall have, and hereby is granted, the power and authority to elect one (1) person as Recorder of the town, and such Board shall have power and authority to fix the salary of the

Recorder at such figure as the Board may deem proper. The Recorder shall be appointed to an indefinite term of office based on continued competent performance and absent any malfeasance, misfeasance or other sufficient cause for termination. The Recorder shall enjoy the same retention rights and benefits accorded all employees enumerated in Ordinance No. 570, as amended. Termination of the Recorder or other disciplinary actions shall be in accordance with Section V of the "Town of Erwin Personnel Rules and Regulations" contained in Ordinance No. 570, as amended.

Upon nomination by the Mayor, the Board of Mayor and Aldermen shall have, and is hereby granted, the power and authority to elect one (1) person as Chief of Police. The number of subordinate policemen shall be determined by the Board of Mayor and Aldermen. The Chief of Police shall determine the organization of the police department in consultation with, and concurrence by, the Mayor. The Chief of Police shall be appointed to an indefinite term based on continued competent performance and absent any malfeasance, misfeasance or other sufficient cause for termination. Termination of the Chief of Police or other disciplinary actions shall be in accordance with Section V of the "Town of Erwin Personnel Rules and Regulations" contained in Ordinance No. 570, as amended.

In the event of death, removal or resignation of any of the said officers of said Town, the remaining members of said Board of Mayor and Aldermen shall have, and is hereby granted, the power and authority to fill such vacancies for the unexpired term of such officer or officers so vacating office. In the event of a vacancy through death, removal or resignation of the Mayor, the said Board shall elect one (1) of its members to fill the unexpired term of such office. In the event a majority of the Board of Aldermen shall resign or such offices become vacant through death or removal, then and in that event, the County Board of Election Commissioners shall, in the manner prescribed for general elections, call a special election to fill such vacancies, for the unexpired terms.

SECTION 2. Chapter 297 of the Private Acts of 1947, as amended by Chapter 203 of the Private Acts of 1988, and any other acts amendatory thereto, is amended by deleting Article VI, Section 2 in its entirety and by substituting instead the following:

Section 2. Be it further enacted, that each and every ordinance shall, before the same becomes effective, be passed on two (2) different days, and not less than one (1) week shall elapse between the first and second reading. The first passage may be by the reading of the caption only. On the second passage, the proposed ordinance shall either be read in full or full copies of the said proposed ordinance shall be made available to each member of the Board of Mayor and Aldermen and to the public prior to said passage, which second passage shall be at a regular meeting of the Board.

No ordinance shall take effect until after the expiration of ten (10) days after the final passage thereof, except in the case of emergency ordinances. An emergency ordinance may become effective upon the day of the final passage, provided it shall contain the statement that an emergency exists and shall specify distinctly the facts and reasons constituting such emergency; and the unanimous vote of all members of the Board present shall be required to pass an emergency ordinance. No ordinances shall be amended except by ordinance.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of Mayor and Aldermen of the Town of Erwin. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of Mayor and Aldermen and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.